

07-23-03

Gp/3736,  
# 4/IDS  
8/1/03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket #: 2001-8050-RA

In re Application of: WYCKOFF, Robert  
Filed: March 4, 2002  
Serial No: 10/090,268  
Group Art Unit: 3736  
For: SLEEP APNEA DEVICE AND METHOD THEREOF

**RECEIVED**

**JUL 28 2003**

MS: IDS – No Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and the Manual of Patent Examining Procedures § 609, the reference listed on the attached form PTO/SB/08A is being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Moreover, pursuant to 37 C.F.R. §1.97(e), the referenced article contained in the present information disclosure statement was uncovered not more than three months prior to the filing of the present information disclosure statement. A copy of the cited document is enclosed.

Please note that an original Information Disclosure Statement was filed on May 29, 2002 and a Supplemental Information Disclosure Statement was filed on October 16, 2002. The present Information Disclosure Statement is a supplement thereto.

If for any reason the examiner considers this disclosure not to comply with the above-referenced requirements, it is respectfully requested that the undersigned be contacted so that any deficiencies can be remedied.

This disclosure statement should not be construed as a representation that a search has been made or that no other material information, as defined in 37 C.F.R. § 1.56(a), exists.

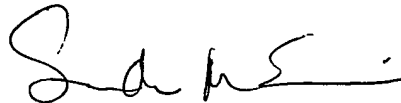
Some of the documents may have markings thereon. No significance is meant to be attached to any such markings.

These documents are not necessarily analogous art.

It is respectfully requested that the Examiner indicate consideration of the cited reference by returning a copy of the attached form PTO/SB/08A with initials or other appropriate marks.

Respectfully submitted,

Date: July 22, 2003



Sandra M. Sovinski, Esq.  
Registration Number 45,781

Myers & Kaplan  
Intellectual Property Law, L.L.C.  
1827 Powers Ferry Road, Bldg 3, Ste 200  
Atlanta, GA 30339  
(770) 541-7444  
Email: ssovinski@mkiplaw.com

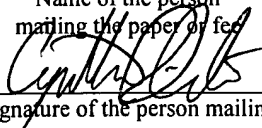
CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any papers referred to therein as being attached or enclosed therewith, is being deposited with the United States Postal Service with sufficient postage as Express Mail, No. EV331058445US, in an envelope addressed to the MS: IDS - No Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

7-22-03

(Date)

Cynthia Pilato  
Name of the person  
mailing the paper or fee



(Signature of the person mailing)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

|                               |                 |
|-------------------------------|-----------------|
| <b>Applicati n Numb r</b>     | 10/090,268      |
| <b>Filing Date</b>            | March 4, 2002   |
| <b>First Named Inventor</b>   | WYCKOFF, Robert |
| <b>Art Unit</b>               | 3736            |
| <b>Examiner Name</b>          |                 |
| <b>Attorney Docket Number</b> | 2001-8050-BA    |

|       |   |    |   |
|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

## NON PATENT LITERATURE DOCUMENTS

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|-----------------------|--------------------------|---|----------------|
|                       |                          | Krahn, MD, Lois E., "Excessive Daytime Sleepiness,"<br><u>Current Psychology</u> , Vol. 1, No. 1, Jan. 2002, pp. 49-57.   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          | <b>RECEIVED</b>   |                |
|                       |                          | JUL 28 2003   |                |
|                       |                          | TECHNOLOGY CENTER #3700   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |

RECEIVED

~~JUL 28 2003~~

TECHNOLOGY CENTER #3700

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*